

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK J. ELLERBE,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 22-CV-4250
	:	
U.S. DISTRICT COURT FOR THE	:	
EASTERN DISTRICT OF	:	
PENNSYLVANIA, et al.	:	
Defendant.	:	

ORDER

AND NOW, this 23rd day of November, 2022, upon consideration of Plaintiff Derrick J. Ellerbe's Motion to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART**

WITHOUT PREJUDICE for the reasons in the Court's Memorandum as follows:

- a. The Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction to the extent that Ellerbe seeks mandamus relief pursuant to 28 U.S.C. § 1361.
- b. The Complaint is **DISMISSED WITH PREJUDICE** to the extent that Ellerbe seeks to raise civil rights claims.

4. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ MICHAEL M. BAYLSON

MICHAEL M. BAYLSON, J.